

GOVERNMENT OF TELANGANA
ABSTRACT

R&B Department – Payment of Decretal charges in O.S.No.63 of 2001 filed by the M/s.Bharathi Constructions company in the Hon'ble Court of Senior Civil Judge, Mahabubabad-Administrative Sanction -Accorded – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R.II) DEPARTMENT

G.O.RT.No. 537

Dated: 13/11/2015

Read:

From the Engineer-in-Chief(R&B)S.R&CRN, Lr.No.
3489/EE®/DEE4/AEE1/2014, Dt.13.02.2015,06.06.2015&01.08.2015.

ORDER:

In the letter read above, the Engineer-in-Chief (R&B) State Roads, & CRN, Hyderabad has informed that M/s Barathi Construction Company, Mahabubabad has filed OS No.63/2001 in the Hon'ble court of Senior Civil Judge at Mahabubabad challenging the action of the (R&B) Department in recovering an amount of Rs.72,168/- in final bill for the work "SR for Widening carriageway and BT mix seal surface dressing from km 41/0 to 43/0 on Hanamkonda – Narasampet – Mahabubabad road in Warangal District".

2. He has stated that the SE (R&B) Warangal has submitted that, the said work was entrusted to M/s. Bharathi Constructions company, Mahabubabad vide LS AB No.293/97-99 Dt.3.1.1998. the firm completed the work by 31.5.1999. while releasing the final payment an amount of Rs.72,168/- was recovered from the final bill of the work for using over size metal and short use of Bitumen quantity as per the quality control report received from Executive Engineer (R&B) Q.C., Warangal. Aggrieved by this action, the agency filed O.S in the Hon'ble court of Senior Civil Judge, Mahabubabad.

3. He has informed that the Executive Engineer (R&B) SED, Mahabubabad has filed Counter Affidavit in the OS.No.63/2011 stating that the recovery was made as per agreement conditions and Q.C. report furnished by the Executive Engineer (R&B) Q.C., Warangal and produced all the relevant documents in the Hon'ble Court through the AGP to defend the case. However, the Hon'ble Court have issued final orders on 30.12.2006 in favour of the petitioner directing the respondents to pay an amount of Rs.72,168/- along with 6% interest. Since the amount as detailed above is not paid, the petitioner filed EP to pay an amount of Rs.1,11,668-00 towards the Decretal amount along with 6% interest and suit cost. However the EE(R&B) Mahabubabad has filed A.S. in the Hon'ble Court of VI Additional Dist. Judge at Warangal. But the Hon'ble Court of VI Additional Dist Judge have dismissed the A.S. filed by EE(R&B), Mahabubabad and issued final orders confirming the judgments of the Hon'ble Court of Senior Civil Judge at Mahabubabad.

4. He has also informed that the AGP through the letter dated: 08-11-2014 has offered his opinion stating that this case is not fit for further appeal and advised to pay the Decretal amount along with interest and cost to avoid the EP. The Govt. Pleader for Arbitration (TS) through the letter dated:03-12-2014, has also offered his opinion stating that there is no substantial question of Law involved to prefer a second appeal before the Hon'ble High Court, Moreover, the amounts involved in this case are not huge amounts and finally opined that this case is not a fit case for filing a second appeal before the Hon'ble High Court. However, he has also mentioned in his letter that if the Government intends to prefer a second appeal before the Hon'ble High Court they are at liberty to do so.

(P.T.O)

5. The Engineer-in-Chief (R&B) State Roads & CRN, Hyderabad, has requested the Government to release an amount of Rs.1,42,717/- towards decretal amount in O.S.No.63 of 2001 filed by the M/s.Bharathi Constructions company in the Court of Honorable Senior Civil Judge for the work "SR for Widening carriageway and BT mix seal surface dressing from km 41/0 to 43/0 on Hanamkonda – Narasampet – Mahabubabad road in Warangal District".

6. After careful examination of the matter, Government hereby accord Administrative Sanction for the amount of Rs.1,42,717/- towards decretal amount in O.S.No.63 of 2001 filed by the M/s. Bharathi Constructions company in the Court of Senior Civil Judge, Mahabubabad for the work "SR for Widening carriageway and BT mix seal surface dressing from km 41/0 to 43/0 on Hanamkonda – Narasampet – Mahabubabad road in Warangal District", subject to verification and confirmation that the amount is in tune with the orders of referral Court.

7. The amount sanctioned in Para (6) shall be debited to the Head of Account -5054–Capital outlay on Roads and Bridges-04 -District and other Roads-MH800- Other Expenditure-GH 11-Normal State Plan- SH(07)–Major District Roads -530–Major works-532–Land(Charged) and initially shall be met as an advance from CF, for which orders will be issued by Finance (BD) Department separately.

8. The Engineer-in-Chief(R&B) State Roads & CRN, Hyderabad shall take further action in the matter accordingly he Engineer-in-Chief (R&B) State Roads, Hyderabad shall also send necessary proposals to Finance (BG.I) Department at an appropriate time during the current financial year 2015-16 for obtaining Supplementary Grant.

9. These orders issued with the concurrence of Finance (EBS-X) Department vide their U.O.No.10954/363/A1/EBS.X/2015, dated.07.09.2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SUNIL SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Engineer-in-Chief(R&B),State Roads & CRN, Hyderabad.
Copy to:
The Accountant General, Telangana, Hyderabad.
The Director of Works & Accounts, Telangana, Hyderabad.
The O.S.D to Minister(R&B)
P.S to Principal Secretary to Government, TR&B, Department.
The Finance(EBS-X) Department.
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER